REMARKS/ARGUMENTS

Claims 1-110 are pending. Claims 1, 12, 22, 33, 44, 49, 57, 70, 80, 89, 90, and 101 are amended.

The Foreign Patent Documents and Others disclosed in the IDS filed 8/30/02 "are not considered due to the Applicants fail to provide copies of listed documents." Applicants respectfully submit that a copy of all of the references in the 8/30/02 IDS was provided to the Office with the above-mentioned IDS. However, another copy of the Foreign Patent Documents and Others is enclosed with a new IDS and the appropriate fee set forth in 37 CFR 1.17(p). Applicants respectfully request consideration and acknowledgment of the IDS by initialing and returning the attached copy of the IDS.

Claims 1 and 49 are objected to because of informalities. In view of the amendment to claims 1 and 49, it is respectfully requested that the above objections be withdrawn. Claim 89 is also amended to correct a typographical error.

Claims 1-110 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ertem et al. (U.S. 6,453,289). Applicants submit that all of the pending claims are patentable over the cited references, and reconsideration and allowance of the pending claims are respectfully requested.

Amended independent claims 1, 70 and 90 include, among other limitations, "selecting one of the input signal and the signal with gain as an output … depending ["based" in claim 70] on the estimated characteristic, wherein the input signal is selected as the output when the estimated characteristic of the signal with gain is different than a threshold value," and

amended independent claims 22 and 44 include, among other limitations, "a bypass to select one of the ["input" in claim 22] signal and the signal with gain as an output of the signal conditioner based on the estimated characteristic, wherein the bypass selects the ["input" in claim 22] signal as the output when the estimated characteristic of the signal with gain is different than a threshold value."

Ertem does not disclose the above limitations. Rather, the voice activity detector (VAD) of Ertem uses an AGC to "bring an input signal to a nominal level. The AGC module 74 preferably affects only the speech input into the VAD 32 to ensure a more reliable operation of the VAD 32. The speech input into the encoder 30 is not effected by the presence of the AGC module 74." (Col. 6, lines 32-36, underlining added.). Furthermore, Ertem clearly specifies that "it is preferred that the VAD 32 achieves approximately the same performance for all signal levels of interest." (Col. 6, lines 16-18).

Accordingly, there is no disclosure in Ertem about "selecting one of the input signal and the signal with gain as an output," and "wherein the input signal is selected as the output when the estimated characteristic of the signal with gain is different than a threshold value." The encoder 30 of Ertem does not have a selecting capability to begin with. Furthermore, the encoder 30 does not select the input signal "as the output when the estimated characteristic of the signal with gain is different than a threshold value," as recited by the independent claims 1, 22, 44, 70, and 90. As a result,

independent claims 1, 22, 44, 70, and 90 are not anticipated by Ertem and are patentable over the cited references.

Dependant claims 2-11, 23-32, 45-56, 71-79, and 91-100 depend directly or indirectly from respective allowable claims 1, 22, 44, 70, and 90, and thus are allowable as are claims 1, 22, 44, 70, and 90, and for additional limitations recited therein.

Amended independent claims 12, 33, 57, 80, and 101 include, among other limitations, "generating a reference value as a function of the tracked peak, wherein if the signal amplitude increases, the reference value rises relatively quickly and if the signal amplitude decreases, the reference value decreases relatively slowly."

Likewise, Ertem does not describe the above limitation. Instead, as described above, the voice activity detector (VAD) of Ertem uses an AGC to "bring an input signal to a nominal level. (Id.) "The performance of this particular VAD 32 is optimized for signals that are at the nominal level of -26 dBov." (Col. 5, lines 62-63, underlining added.) Again, Ertem describes that the "level sensitivity is reduced by providing an automatic gain control (AGC) module 74 prior to the VAD so that the signal level at the input to the VAD is always around the nominal level." (Col. 6, lines 22-25). Finally, module 78 (FIG. 6) of Ertem is used to compute the "difference between the signal level and the nominal level." (Col. 6, lines 28-30).

Consequently, there is no disclosure in Ertem about "generating a reference value as a function of the tracked peak, wherein if the signal amplitude increases, the reference value

rises relatively quickly and if the signal amplitude decreases, the reference value decreases relatively slowly," as recited by amended independent claims 12, 33, 57, 80, and 101. As a result, independent claims 12, 33, 57, 80, and 101 are not anticipated by Ertem and are patentable over the cited references.

Dependant claims 13-21, 34-43, 58-69, 81-89, and 102-110 depend directly or indirectly from respective allowable claims 12, 33, 57, 80, and 101, and thus are allowable as are claims 12, 33, 57, 80, and 101, and for additional limitations recited therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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